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| | Application No. | Applicant(s) | |
| Notice of Allowshility | 10/716,434 | TESHIMA ET AL. | |
| Notice of Allowability | Examiner | Art Unit | |
| ** | Christopher RoDee | 1756 | |
| The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313 | (OR REMAINS) CLOSED in this app or other appropriate communication GHTS. This application is subject to | olication. If not included will be mailed in due course, THIS | ; live |
| 1. This communication is responsive to election on 5/14/04. | | | |
| 2. The allowed claim(s) is/are <u>1 and 2</u> . | | | |
| 3. \boxtimes The drawings filed on <u>20 November 2003</u> are accepted by | the Examiner. | | |
| 4. Acknowledgment is made of a claim for foreign priority una) All b) Some* c) None of the: Certified copies of the priority documents have Certified copies of the priority documents have Copies of the certified copies of the priority documents have Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: | been received. been received in Application No. <u>08</u> | | |
| Applicant has THREE MONTHS FROM THE "MAILING DATE" on noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. | of this communication to file a reply ENT of this application. | complying with the requirements | |
| 5. A SUBSTITUTE OATH OR DECLARATION must be submi INFORMAL PATENT APPLICATION (PTO-152) which give | tted. Note the attached EXAMINER's reason(s) why the oath or declara | S AMENDMENT or NOTICE OF tion is deficient. | |
| 6. CORRECTED DRAWINGS (as "replacement sheets") musi | t be submitted. | | |
| (a) ☐ including changes required by the Notice of Draftspers | | 948) attached | |
| 1) 🗌 hereto or 2) 📗 to Paper No./Mail Date | | | |
| (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date | : Amendment / Comment or in the O | ffice action of | |
| Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the | 84(c)) should be written on the drawin to header according to 37 CFR 1.121(c | gs in the front (not the back) of l). | |
| 7. DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT F | sit of BIOLOGICAL MATERIAL n FOR THE DEPOSIT OF BIOLOGICA | nust be submitted. Note the AL MATERIAL. | |
| | | | |
| Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. Interview Summary | atent Application (PTO-152) (PTO-413), | |
| Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date <u>11/20/03</u> Examiner's Comment Regarding Requirement for Deposit | 8. 🛭 Examiner's Stateme | e nent/Comment nt of Reasons for Allowance | |
| of Biological Material | 9. | | |

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 3 and 4, non-elected without traverse, in accordance with MPEP 821.02.

The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose or suggest a dry toner for electrophotography having releasing agent particles dispersed in a binder resin of colored resin particles and a releasing agent layer interleaved (i.e., interposed, see spec. p. 39, l. 25) between the colored resin particles and a resin coating layer. Muto et al in US Patent 5,429,901 discloses toner comprising core particles having a thermoplastic resin and a coloring agent, a releasing agent in the form of particles over the core particles, and a chargeable resin surface layer (Abstract; col. 4, I. 66 - col. 5, I. 4). The releasing agent is taught as being near the surface of the toner (col. 5, I. 16-25). There is no disclosure of having releasing agent particles dispersed in the binder resin of these particles. JP 4-182669 also discloses a toner having a layer containing a releasing agent (see Figure 1 & English Abstract), but this reference does not disclose releasing agent particles dispersed in the binder resin in the core particles of the toner. Anno et al. in US Patent 5,204,205 discloses a toner having three layers. The core contains a releasing agent (col. 16, I. 47-68; note polypropylene) but there is no disclosure of this releasing agent in the form of particles. Further, there is no indication of a releasing agent layer in the orientation claimed. The intermediate layer of Anno contains a styrene-acrylic copolymer(s), but there is no disclosure of releasing

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agent characteristics for this layer. The art as a whole fails to render obvious the instant claims for these reasons.

The non-elected claims are not subject to rejoinder per MPEP 821.04 because the process of making the toner does not contain all the limitations of the allowed product claims. For example, the process does not require the releasing agent to be present in the binder resin in the form of particles, particularly after the core particles containing the releasing agent have been subjected to the process steps recited. Because these claims are non-elected without traverse and applicants have noted their right to file a divisional application on the non-elected claims, the non-elected claims are properly canceled per MPEP 821.02.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher RoDee whose telephone number is 571-272-1388. The examiner can normally be reached on most weekdays from 6:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHRISTOPHER RODEE PRIMARY EXAMINER

cdr 15 June 2004